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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,578	09/28/2001	Shigeyuki Okada	011281	2395
38834	7590	12/02/2004	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP				TRAN, TRANG U
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				ART UNIT
				PAPER NUMBER
				2614

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

GM

Office Action Summary	Application No.	Applicant(s)
	09/964,578	OKADA ET AL.
Examiner	Art Unit	
Trang U. Tran	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 - 4a) Of the above claim(s) 5-8 and 10-17 is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-4 and 9 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>July 16, 2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species I, claims 1-4 and 9 in the reply filed on June 24, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 5-8 and 10-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made in the reply filed on June 24, 2004.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 and 9 are rejected under 35 U.S.C. 102(e) as being anticipate by Minami (US Patent No. 6,710,816 B1).

In considering claim 1, Minami discloses all the claimed subject matter, note 1) the claimed a first tuning unit for extracting from said airwaves first image coded data that corresponds to said desired channel is met by the main receiving unit 25 which receives the program of the channel selected by a user (selected channel) (Figs. 4-5,

col. 8, lines 1-26 and col. 12, lines 35-46), 2) the claimed a second tuning unit for successively selecting one of said plurality of channels as a background channel and extracting from said airwaves second image coded data that corresponds to said background channel is met by the sub-receiving unit 27 which receives the channels other than the channel selected by the user (unselected channel) (Figs. 4-5, col. 8, lines 1-26 and col. 12, lines 35-46), 3) the claimed a data storage unit for storing said second image coded data that correspond to the respective ones of said plurality of channels is met by the memory 33 (Fig. 4, col. 8, lines 24-35 and col. 12, lines 35-46), 4) the claimed a control unit for determining whether it is possible or impossible to generate an image signal based on said first image code data is met by the control unit 41 which determines whether it is possible or impossible to generate an image signal based on selected channel from the main tuner (waiting time for reception period) (Figs. 4-5, col. 8, line 27 to col. 11, line 22 and col. 12, lines 35-46), and 5) the claimed a first image data decoding unit for decoding said second image coded data from said data storage unit to generate an image signal for image display when said image display based on said first image coded data is impossible in accordance with the determination of said control unit is met by the decoding unit 37 which decodes the received signal from the memory 33 during a period corresponding to the waiting time (Figs. 4-5, col. 8, line 27 to col. 11, line 22 and col. 12, lines 35-46).

In considering claim 2, Minami discloses all the claimed subject matter, note 1) the claimed further comprising: a first data selecting unit for receiving said first image coded data from said first tuning unit and said second image coded data from said data

storage unit corresponding to said desired channel and selectively outputting one of said first image coded data and said second image coded data according to the determination of said control unit is met by the switch 35 (Fig. 4, col. 9, lines 28-67), and 2) the claimed wherein said first image data decoding unit decodes an output from said first data selecting unit to generate an image signal is met by the decoding unit 37 which decodes the received signal from the memory 33 during a period corresponding to the waiting time (Figs. 4-5, col. 8, line 27 to col. 11, line 22).

In considering claim 3, the claimed wherein said control unit determines whether it is possible or impossible to generate an image signal based on an amount of said first image coded data extracted by said first tuning unit is met by the control unit 41 which determines whether it is possible or impossible to generate an image signal based on selected channel from the main tuner (waiting time for reception period) (Figs. 4-5, col. 8, line 27 to col. 11, line 22).

In considering claim 4, the claimed wherein when switching of said desired channel by a user is detected, said control unit sets an output from said first data selecting unit to said second image coded data until generation of said image signal based on said first image coded data in said first image data decoding unit becomes possible, and from a time when the generation of said image signal becomes possible, switches the output from said first data selecting unit, from said first image coded data to said second image coded data is met by the control unit 41 which changes over the switch 35 to the side of the memory 33 for a program on different channel and the received signal is input to the decoding unit 37 which decodes the received signal from

the memory 33 until the waiting time has elapsed (Figs. 4-5, col. 8, line 27 to col. 11, line 22).

In considering claim 9, the claimed wherein said control unit successively updates selection of said background channel in a constant cycle is met by the reception period (col. 8, line 60 to col. 9, line 27).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Der Wijst (US Patent No. 6,731,349 B1) discloses tuner with at least a first and a second frequency band.

Kim (US Patent No. 6,600,522 B1) discloses apparatus and method for auto channel searching of video display apparatus.

Kim (US Patent No. 6,334,217 B1) discloses channel selecting method and apparatus.

Reitmeier (US Patent No. 6,118,498) discloses channel scanning and channel change latency reduction in an ATSC television receiver.

Kempisty (US Patent No. 6,714,264 B1) discloses digital television channel surfing system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT
November 24, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600